

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ARTIS WHITEHEAD,

Case No. 2:24-cv-02991

Plaintiff,

v.

CITY OF MEMPHIS, ET. AL,

Defendants.

ANSWER OF TIMOTHY GREEN TO PLAINTIFF'S COMPLAINT AT LAW

COMES NOW, Defendant Timothy Green, (hereinafter "Defendant" or "Green") by and through counsel of record, in Answer to the Complaint in this cause, responds as follows:

Defendant denies each and every allegation in Plaintiff's Complaint not specifically admitted herein as though each such denial thereof was set forth word for word herein. Plaintiff's complaint has a preliminary statement that does not require an answer. However, if Defendant Green's rights are to be affected by the preliminary statement, the statement is denied.

1. Defendant is without sufficient knowledge to admit or deny paragraph 1 and would demand strict proof if his rights are to be affected.
2. Defendant is without sufficient knowledge to admit or deny paragraph 2 and would demand strict proof if his rights are to be affected.
3. Defendant is without sufficient knowledge to admit or deny paragraph 3 and would demand strict proof if his rights are to be affected.
4. Defendant denies paragraph 4.

5. Defendant denies paragraph 5.
6. Defendant denies paragraph 6.
7. Defendant denies paragraph 7.
8. Defendant denies paragraph 8.
9. Defendant denies paragraph 9.
10. Defendant denies paragraph 10.
11. Defendant is without sufficient knowledge to admit or deny paragraph 11 and would demand strict proof if his rights are to be affected.
12. Defendant is without sufficient knowledge to admit or deny paragraph 12 and would demand strict proof if his rights are to be affected.
13. Defendant denies paragraph 13.
14. Defendant denies paragraph 14.
15. Defendant is without sufficient knowledge to admit or deny paragraph 15 and would demand strict proof if his rights are to be affected.
16. Defendant is without sufficient knowledge to admit or deny paragraph 16 and would demand strict proof if his rights are to be affected.
17. Defendant is without sufficient knowledge to admit or deny paragraph 17 and would demand strict proof if his rights are to be affected.
18. Defendant is without sufficient knowledge to admit or deny paragraph 18 and would demand strict proof if his rights are to be affected.
19. Defendant is without sufficient knowledge to admit or deny paragraph 19 and would demand strict proof if his rights are to be affected.
20. Defendant denies paragraph 20.

JURISDICTION AND VENUE

21. Defendant is without sufficient knowledge to admit or deny paragraph 21 and would demand strict proof if his rights are to be affected.
22. Defendant admits paragraph 22.

PARTIES

23. Defendant is without sufficient knowledge to admit or deny paragraph 23 and would demand strict proof if his rights are to be affected.
24. Defendant denies paragraph 24.
25. Defendant is without sufficient knowledge to admit or deny paragraph 25 and would demand strict proof if his rights are to be affected.
26. Defendant admits paragraph 26.

FACTS**The Beale Street Robbery**

27. Defendant is without sufficient knowledge to admit or deny paragraph 27 and would demand strict proof if his rights are to be affected.
28. Defendant is without sufficient knowledge to admit or deny paragraph 28 and would demand strict proof if his rights are to be affected.
29. Defendant is without sufficient knowledge to admit or deny paragraph 29 and would demand strict proof if his rights are to be affected.
30. Defendant is without sufficient knowledge to admit or deny paragraph 30 and would demand strict proof if his rights are to be affected.
31. Defendant denies paragraph 31.

32. Defendant is without sufficient knowledge to admit or deny paragraph 32 and would demand strict proof if his rights are to be affected.
33. Defendant is without sufficient knowledge to admit or deny paragraph 33 and would demand strict proof if his rights are to be affected.
34. Defendant is without sufficient knowledge to admit or deny paragraph 34 and would demand strict proof if his rights are to be affected.
35. Defendant is without sufficient knowledge to admit or deny paragraph 35 and would demand strict proof if his rights are to be affected.
36. Defendant is without sufficient knowledge to admit or deny paragraph 36 and would demand strict proof if his rights are to be affected.
37. Defendant is without sufficient knowledge to admit or deny paragraph 37 and would demand strict proof if his rights are to be affected.
38. Defendant is without sufficient knowledge to admit or deny paragraph 38 and would demand strict proof if his rights are to be affected.
39. Defendant is without sufficient knowledge to admit or deny paragraph 39 and would demand strict proof if his rights are to be affected.
40. Defendant is without sufficient knowledge to admit or deny paragraph 40 and would demand strict proof if his rights are to be affected.
41. Defendant is without sufficient knowledge to admit or deny paragraph 41 and would demand strict proof if his rights are to be affected.
42. Defendant is without sufficient knowledge to admit or deny paragraph 42 and would demand strict proof if his rights are to be affected.

43. Defendant is without sufficient knowledge to admit or deny paragraph 43 and would demand strict proof if his rights are to be affected.
44. Defendant is without sufficient knowledge to admit or deny paragraph 44 and would demand strict proof if his rights are to be affected.
45. Defendant is without sufficient knowledge to admit or deny paragraph 45 and would demand strict proof if his rights are to be affected.
46. Defendant is without sufficient knowledge to admit or deny paragraph 46 and would demand strict proof if his rights are to be affected.
47. Defendant is without sufficient knowledge to admit or deny paragraph 47 and would demand strict proof if his rights are to be affected.
48. Defendant is without sufficient knowledge to admit or deny paragraph 48 and would demand strict proof if his rights are to be affected.
49. Defendant is without sufficient knowledge to admit or deny paragraph 49 and would demand strict proof if his rights are to be affected.
50. Defendant is without sufficient knowledge to admit or deny paragraph 50 and would demand strict proof if his rights are to be affected.
51. Defendant is without sufficient knowledge to admit or deny paragraph 51 and would demand strict proof if his rights are to be affected.
52. Defendant is without sufficient knowledge to admit or deny paragraph 52 and would demand strict proof if his rights are to be affected.
53. Defendant is without sufficient knowledge to admit or deny paragraph 53 and would demand strict proof if his rights are to be affected.

**Defendants Ignore Evidence of Leads To Suspects Matching the Eyewitness'
Descriptions and Decide to Pin the Crime on Mr. Whitehead**

- 54. Defendant is without sufficient knowledge to admit or deny paragraph 54 and would demand strict proof if his rights are to be affected.
- 55. Defendant is without sufficient knowledge to admit or deny paragraph 55 and would demand strict proof if his rights are to be affected.
- 56. Defendant is without sufficient knowledge to admit or deny paragraph 56 and would demand strict proof if his rights are to be affected.
- 57. Defendant is without sufficient knowledge to admit or deny paragraph 57 and would demand strict proof if his rights are to be affected.
- 58. Defendant is without sufficient knowledge to admit or deny paragraph 58 and would demand strict proof if his rights are to be affected.
- 59. Defendant denies paragraph 59.
- 60. Defendant denies paragraph 60.
- 61. Defendant denies paragraph 61.
- 62. Defendant is without sufficient knowledge to admit or deny paragraph 62 and would demand strict proof if his rights are to be affected.
- 63. Defendant denies paragraph 63.
- 64. Defendant denies paragraph 64.
- 65. Defendant is without sufficient knowledge to admit or deny paragraph 65 and would demand strict proof if his rights are to be affected.

Defendants Fabricate Evidence to Frame Mr. Whitehead

- 66. Defendant is without sufficient knowledge to admit or deny paragraph 66 and would demand strict proof if his rights are to be affected.

67. Defendant is without sufficient knowledge to admit or deny paragraph 67 and would demand strict proof if his rights are to be affected.
68. Defendant denies paragraph 68.
69. Defendant is without sufficient knowledge to admit or deny paragraph 69 and would demand strict proof if his rights are to be affected.
70. Defendant denies paragraph 70.
71. Defendant denies paragraph 71.
72. Defendant denies paragraph 72.
73. Defendant denies paragraph 73.

**Defendants Conduct Suggestive Identification
Procedures and Fabricated the Results**

74. Defendant denies paragraph 74.
75. Defendant denies paragraph 75.
76. Defendant denies paragraph 76.
77. Defendant denies paragraph 77.
78. Defendant denies paragraph 78.
79. Defendant is without sufficient knowledge to admit or deny paragraph 79 and would demand strict proof if his rights are to be affected.
80. Defendant denies paragraph 80.
81. Defendant denies paragraph 81.
82. Defendant denies paragraph 82.
83. Defendant denies paragraph 83.
84. Defendant is without sufficient knowledge to admit or deny paragraph 84 and would demand strict proof if his rights are to be affected.

85. Defendant denies paragraph 85.

86. Defendant is without sufficient knowledge to admit or deny paragraph 86 and would demand strict proof if his rights are to be affected.

Defendant Fabricated and Suppressed Additional Evidence

87. Defendant denies paragraph 87.

88. Defendant denies paragraph 88.

89. Defendant denies paragraph 89.

90. Defendant denies paragraph 90.

91. Defendant denies paragraph 91.

92. Defendant denies paragraph 92.

93. Defendant denies paragraph 93.

94. Defendant denies paragraph 94.

95. Defendant denies paragraph 95.

96. Defendant denies paragraph 96.

97. Defendant denies paragraph 97.

98. Defendant denies paragraph 98.

Policy and Practice of Wrongly Convicting Innocent Individuals

99. Defendant denies paragraph 99.

100. Defendant is without sufficient knowledge to admit or deny paragraph 100 and would demand strict proof if his rights are to be affected.

101. Defendant denies paragraph 101.

102. Defendant is without sufficient knowledge to admit or deny paragraph 102 and would demand strict proof if his rights are to be affected.

103. Defendant is without sufficient knowledge to admit or deny paragraph 103 and would demand strict proof if his rights are to be affected.
104. Defendant is without sufficient knowledge to admit or deny paragraph 104 and would demand strict proof if his rights are to be affected.
105. Defendant is without sufficient knowledge to admit or deny paragraph 105 and would demand strict proof if his rights are to be affected.
106. Defendant denies paragraph 106.
107. Defendant denies paragraph 107.
108. Defendant is without sufficient knowledge to admit or deny paragraph 108 and would demand strict proof if his rights are to be affected.
109. Defendant is without sufficient knowledge to admit or deny paragraph 109 and would demand strict proof if his rights are to be affected.
110. Defendant denies paragraph 110.
111. Defendant is without sufficient knowledge to admit or deny paragraph 111 and would demand strict proof if his rights are to be affected.
112. Defendant is without sufficient knowledge to admit or deny paragraph 112 and would demand strict proof if his rights are to be affected.
113. Defendant is without sufficient knowledge to admit or deny paragraph 113 and would demand strict proof if his rights are to be affected.
114. Defendant is without sufficient knowledge to admit or deny paragraph 114 and would demand strict proof if his rights are to be affected.
115. Defendant is without sufficient knowledge to admit or deny paragraph 115 and would demand strict proof if his rights are to be affected.

116. Defendant is without sufficient knowledge to admit or deny paragraph 116 and would demand strict proof if his rights are to be affected.
117. Defendant is without sufficient knowledge to admit or deny paragraph 117 and would demand strict proof if his rights are to be affected.
118. Defendant is without sufficient knowledge to admit or deny paragraph 118 and would demand strict proof if his rights are to be affected.
119. Defendant is without sufficient knowledge to admit or deny paragraph 119 and would demand strict proof if his rights are to be affected.
120. Defendant is without sufficient knowledge to admit or deny paragraph 120 and would demand strict proof if his rights are to be affected.
121. Defendant is without sufficient knowledge to admit or deny paragraph 121 and would demand strict proof if his rights are to be affected.
122. Defendant is without sufficient knowledge to admit or deny paragraph 122 and would demand strict proof if his rights are to be affected.
123. Defendant denies paragraph 123.
124. Defendant denies paragraph 124.
125. Defendant denies paragraph 125.
126. Defendant is without sufficient knowledge to admit or deny paragraph 126 and would demand strict proof if his rights are to be affected.
127. Defendant is without sufficient knowledge to admit or deny paragraph 127 and would demand strict proof if his rights are to be affected.
128. Defendant denies paragraph 128.
129. Defendant denies paragraph 129.

- 130. Defendant is without sufficient knowledge to admit or deny paragraph 130 and would demand strict proof if his rights are to be affected.
- 131. Defendant is without sufficient knowledge to admit or deny paragraph 131 and would demand strict proof if his rights are to be affected.
- 132. Defendant denies paragraph 132.
- 133. Defendant is without sufficient knowledge to admit or deny paragraph 133 and would demand strict proof if his rights are to be affected.
- 134. Defendant is without sufficient knowledge to admit or deny paragraph 134 and would demand strict proof if his rights are to be affected.

Plaintiff's Conviction

- 135. Defendant denies paragraph 135.
- 136. Defendant denies paragraph 136.
- 137. Defendant is without sufficient knowledge to admit or deny paragraph 137 and would demand strict proof if his rights are to be affected.

Plaintiff's Exoneration

- 138. Defendant is without sufficient knowledge to admit or deny paragraph 138 and would demand strict proof if his rights are to be affected.
- 139. Defendant is without sufficient knowledge to admit or deny paragraph 139 and would demand strict proof if his rights are to be affected.
- 140. Defendant is without sufficient knowledge to admit or deny paragraph 140 and would demand strict proof if his rights are to be affected.
- 141. Defendant is without sufficient knowledge to admit or deny paragraph 141 and would demand strict proof if his rights are to be affected.

Plaintiff's Damages

142. Defendant is without sufficient knowledge to admit or deny paragraph 142 and would demand strict proof if his rights are to be affected.
143. Defendant is without sufficient knowledge to admit or deny paragraph 143 and would demand strict proof if his rights are to be affected.
144. Defendant denies any misconduct.
145. Defendant is without sufficient knowledge to admit or deny paragraph 145 and would demand strict proof if his rights are to be affected.
146. Defendant is without sufficient knowledge to admit or deny paragraph 146 and would demand strict proof if his rights are to be affected.
147. Defendant is without sufficient knowledge to admit or deny paragraph 147 and would demand strict proof if his rights are to be affected.
148. Defendant denies any misconduct.

CAUSE OF ACTION**COUNT I****42 U.S.C. § 1983****Fabrication of False Evidence in Violation of Due Process
(Fourteenth Amendment)**

149. Paragraph 149 does not require a response. Defendant incorporates his response to each paragraph of this pleading.
150. Defendant denies paragraph 150.
151. Defendant denies paragraph 151.
- There are no paragraphs numbered 152 – 264.
265. Defendant denies paragraph 265.
- There are no paragraphs numbered 266-268.

269. Defendant denies paragraph 269.

270. Defendant denies paragraph 270.

271. Defendant denies paragraph 271.

267. Defendant denies paragraph 267.

COUNT II
42 U.S.C. § 1983
Suppression and Withholding of Exculpatory Evidence
in Violation of Due Process
(Fourteenth Amendment)

272. Paragraph 272 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

273. Defendant denies any misconduct in paragraph 273.

274. Defendant denies paragraph 274.

275. Defendant denies paragraph 275.

276. Defendant denies paragraph 276.

277. Defendant denies paragraph 277.

278. Defendant denies paragraph 278.

COUNT III
42 U.S.C. § 1983
Unlawful Arrest
(Fourth and Fourteenth Amendments)

269. Paragraph 269 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

270. Defendant denies paragraph 270.

271. Defendant denies paragraph 271.

272. Defendant denies paragraph 272.

273. Defendant denies paragraph 273.

274. Defendant denies paragraph 274.

275. Defendant denies paragraph 275.

COUNT IV
42 U.S.C. §1983
Malicious Prosecution
(Fourth and Fourteenth Amendments)

269. Paragraph 269 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

270. Defendant denies paragraph 270.

271. Defendant denies paragraph 271.

272. Defendant denies paragraph 272.

273. Defendant denies paragraph 273.

274. Defendant denies paragraph 274.

275. Defendant denies paragraph 275.

276. Defendant denies paragraph 276.

277. Defendant denies paragraph 277.

COUNT V
42 U.S.C. §1983
Failure to Intervene

278. Paragraph 278 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

279. Defendant denies paragraph 279.

280. Defendant denies paragraph 280.

281. Defendant denies paragraph 281.

282. Defendant denies paragraph 282.

283. Defendant denies paragraph 283.

COUNT VI
42 U.S.C. § 1983
Conspiracy to Deprive Constitutional Rights

284. Paragraph 284 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

285. Defendant denies paragraph 285.

286. Defendant denies paragraph 286.

287. Defendant denies paragraph 287.

288. Defendant denies paragraph 288.

289. Defendant denies paragraph 289.

290. Defendant denies paragraph 290.

291. Defendant denies paragraph 291.

292. Defendant denies paragraph 292.

293. Defendant denies paragraph 293.

294. Defendant denies paragraph 294.

295. Defendant denies paragraph 295.

296. Defendant denies paragraph 296.

297. Defendant denies paragraph 297.

COUNT VII
42 U.S.C. § 1983
Policy and Practice Claim Against the City of Memphis

298. Paragraph 298 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

299. Defendant is without sufficient knowledge to admit or deny paragraph 299 and would demand strict proof if his rights are to be affected.

300. Defendant is without sufficient knowledge to admit or deny paragraph 300 and would demand strict proof if his rights are to be affected.

301. Defendant is without sufficient knowledge to admit or deny paragraph 301 and would demand strict proof if his rights are to be affected.

302. Defendant is without sufficient knowledge to admit or deny paragraph 302 and would demand strict proof if his rights are to be affected.

303. Defendant is without sufficient knowledge to admit or deny paragraph 303 and would demand strict proof if his rights are to be affected.

304. Defendant is without sufficient knowledge to admit or deny paragraph 304 and would demand strict proof if his rights are to be affected.

305. Defendant is without sufficient knowledge to admit or deny paragraph 305 and would demand strict proof if his rights are to be affected.

COUNT VIII
Supervisory Liability

306. Paragraph 306 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

307. Defendant denies paragraph 307.

308. Defendant denies paragraph 308.

309. Defendant denies paragraph 309.

310. Defendant denies paragraph 310.

311. Defendant denies paragraph 311.

312. Defendant denies paragraph 312.

313. Defendant denies paragraph 313.

314. Defendant is without sufficient knowledge to admit or deny paragraph 314 and would demand strict proof if his rights are to be affected.

315. Defendant denies paragraph 315.

316. Defendant denies paragraph 316.

COUNT VIV
State Law Claim
Malicious Prosecution

317. Paragraph 317 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

318. Defendant denies paragraph 318.

319. Defendant denies paragraph 319.

320. Defendant is without sufficient knowledge to admit or deny paragraph 320 and would demand strict proof if his rights are to be affected.

321. Defendant denies any misconduct in the paragraph.

322. Defendant denies paragraph 322.

COUNT X
State Law Claim
Intentional Infliction of Emotion Distress

323. Paragraph 323 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

324. Defendant is without sufficient knowledge to admit or deny paragraph 300 and would demand strict proof if his rights are to be affected.

325. Defendant denies paragraph 325.

326. Defendant denies paragraph 326.

COUNT XI
State Law Claim
Civil Conspiracy

327. Paragraph 327 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

328. Defendant denies paragraph 328.

329. Defendant denies paragraph 329.

330. Defendant denies paragraph 330.

331. Defendant denies paragraph 331.

COUNT XII
State Law Claim
Respondeat Superior

332. Paragraph 332 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

333. Defendant denies paragraph 333.

334. Defendant admits paragraph 334.

COUNT XII
State Law Claim
Indemnification

335. Paragraph 335 does not require a response. Defendant incorporates his response to each paragraph of this pleading.

336. Defendant denies paragraph 336.

The next paragraph of this pleading is the Wherefore paragraph to the extent Defendant Green's rights are affected, he contends that Plaintiff is not entitled to any damage against him.

JURY DEMAND

This unnumbered paragraph is a legal request and does not require a response.

AFFIRMATIVE DEFENSES

1. Defendant Green submits that pursuant to 42 U.S.C. §1988, as well as the 2016 amendment of the Tennessee Governmental Torts Liability Act as set forth in T.C.A. §29-20-113, should he prevail in this action brought against him in his individual capacity, he is entitled to recover reasonable attorneys' fees and costs incurred in defending this claim.
2. Defendant Green asserts that claims of negligence under state law that he is immune from liability for any negligence under the Tennessee Governmental Tort Liability Act.
3. Defendant Green is entitled to qualified immunity to Plaintiff's claims.
4. Plaintiff's claim for punitive damage against Defendant Green violates the law and he is not entitled to any such damages.
5. Defendant Green specifically reserves the right to raise and claim other and further defenses as may be necessary in the defense of this cause as discovery and investigation of this matter continues, as well as any defenses raised by any hereinafter named co-defendants.

Respectfully Submitted,

s/Darrell J. O'Neal

Darrell J. O'Neal, Esq. (BPR #20927)
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Attorney for Defendant Timothy Green

CERTIFICATE OF SERVICE

I, Darrell J. O’Neal, hereby certify that I have forwarded a copy of the foregoing document via the Court’s ECF/ECM system on the 2nd day of May 2025.

s/Darrell J. O’Neal

Darrell J. O’Neal